

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : BEDERKE
Serial No : 10/523,500
Confirm. No : 1845
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For : COUPLING PIECE...
Art Unit : 1614
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Commissioner for Patents
P.O. Box 1450
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DECLARATION OF ERWIN-DETLEF VON AHSEN

I Erwin-Detlef von Ahsen, state as follows based on my own personal knowledge:

1. I am a German Patent Attorney (Patentanwalt) since January 1996 and I have worked closely with my client the company SEC SHIP'S EQUIPMENT CENTRE BREMEN GMBH, the assignee of the above referenced patent application.

2. Mr. Christian BEDERKE invented his fully automatic Twistlock (hereinafter referred as "FAT") including the subject matter claimed according to the U.S. patent application Serial # 10/523,500 in Summer 2002. The German priority application was filed on August 24, 2002, which was published on March 18, 2004. The publication of grant of the German Patent was on December 23, 2004.

3. A first test of a FAT with all of the features of inter alia claims 1, 14, 21,23 and practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500 was made on board a seagoing ship and was performed in May 2003 on a vessel going from Canada to Europe. After the successful test in May 2003 the FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced into the market.

4. Shortly after the FAT was introduced into the market counterfeit FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) have been sold and become available in the market (world wide shipping industry market) including:

a) In November 2004 Warder-MEC, Germany, asked for a license for the FAT, which was refused. However, in March 2005 a FAT according to the invention (with all

of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) of Warder-MEC infringing the above mentioned German patent was introduced into the market by Warder-MEC. During a fair in September 2006 in Hamburg Warder-MEC renewed the request for a license. Warder-MEC has forwarded a declaration to cease and desist to the Assignee.

b) In December 2004 we got notice of an infringing FAT (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by MacGREGOR-Conver GmbH, Germany. An Injunction has been issued by the Landgericht Düsseldorf, Germany to prevent further sales and distribution of such a FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500).

c) In November 2004 I received notice that an infringing FAT (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by R.B. German Lashing GmbH, Germany. An Injunction has been issued by the Landgericht Düsseldorf, Germany to prevent further sales and distribution of such a FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500).

d) In April 2007 I received notice that a counterfeit FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by HISAFE Industry supply ltd. China. e) In November 2007 I received notice that a counterfeit FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by Kunshan Lucky Sea Industrial Co. Ltd. China.

f) In April 2006 I received notice that a counterfeit FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by Morrison Marine & Intermodal Inc. Danville, USA.

g) Furthermore, I received notice that a counterfeit FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by Container Technics N.V.. Antwerp. Belgium. However, I do not remember the exact date when I got notice of this counterfeit FAT. The assignee negotiated this matter directly with Container Technics and they agreed that Container Technics will purchase FAT's from the assignee in the future.

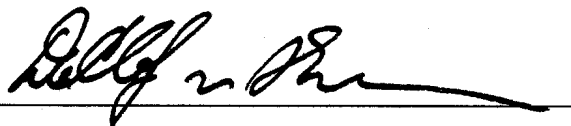
h) In July/August 2006 I received notice that a FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter

alia claim 17 of U.S. application Serial # 10/523,500) was introduced by Taiyo Seiko Iron Works, Japan.

i) In March 2007 I received notice that a FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was introduced by TEC Container S.A., Spain. The assignee negotiated this matter directly with Container Technics and they agreed that Container Technics will purchase FAT's from the assignee in the future.

5. I am aware that a FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was neither observed by myself nor members of my firm under my supervision prior to the publication and/or public use of the subject matter relating to the FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) and my client SEC SHIP'S EQUIPMENT CENTRE BREMEN GMBH has advised me that no FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500) was known to exist prior to the publication and/or public use of the subject matter relating to the FAT according to the invention (with all of the features of inter alia claims 1, 14, 21,23 and for practicing the method of inter alia claim 17 of U.S. application Serial # 10/523,500).

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Detlef von Ahsen (Patentanwalt)

Bremen,

June 21, 2008